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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,290	04/27/2000	KAORU SUZUKI	450101-02043	7187
20999	7590	09/22/2004	EXAMINER	
FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			MCLEAN MAYO, KIMBERLY N	
		ART UNIT	PAPER NUMBER	
		2187		

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/530,290	SUZUKI, KAORU
Examiner	Art Unit	
Kimberly N. McLean-Mayo	2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2 and 4-21 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2 and 4-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 9, 2004 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 and 4-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuzumi (USPN: 5,845,066) in view of Kawaguchi (USPN: 5,557,771) and Estakhri et al. (USPN: 6,125,435).

Regarding claims 1, 8 and 15, Fukuzumi disclose a first storage region from which data can be read and into which data can be written, in accordance with instructions made by a user (Figure 1, Reference 3; C 5, L 14-15); a second storage region from which data can be read and into which data can be written by a data processing apparatus, the second storage region having a user-use table prohibition table (data stored in Reference 4 in Figure 1) which is normally inaccessible to the user and which has a plurality of addresses of data items in which one address designates an associated special user block (the locations in the attribute memory are addressable

by an address, [which constitutes the plurality of addresses], wherein the designated address is the input address for access to a memory location and wherein the accessed location is the special user block), storing password (C 5, L 22-23; C 8, L 50-60; C 9, L 14-19) or the information concerning the copyright of the data stored in the first storage region. Fukuzumi does not disclose the user-use prohibition table comprising an address designating a defective location in the memory apparatus. However, Kawaguchi discloses storing an address of a defective location (address aB in Reference 82 and Reference 83 in Figure 15; a defective location is a location containing defective data) in a prohibition table (Reference 80 in Figure 15) in a memory apparatus (C 11, L 41-67), wherein the user or the data processing apparatus is prohibited from accessing said one or more defective locations contained in the user-use prohibition table (C 11, L 57-64; the defective locations are substituted by non-defective locations immediately when any access to a defective location is interrupted immediately when $R' = 1$ and $W' = 1$ in Figure 6) and thus the data processing apparatus or the user are prohibited from accessing the one or more defective locations). This feature taught by Kawaguchi provides an efficient means to provide proper processing of defective locations, which should not be accessed to provide accuracy of data. Fukuzumi does not provide a means for indicating or processing defective locations and thus one of ordinary skill in the art would have recognized the benefits of Kawaguchi's teachings and would have been motivated to use Kawaguchi's teachings with the system taught by Fukuzumi for the desirable purpose of efficiency and accuracy. Fukuzumi and Kawaguchi do not disclose a conversion table which includes logic addresses assigned only to blocks in the first storage region and not to blocks in the second and third storage region. However, Estakhri discloses a conversion table which includes logic addresses

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assigned only to blocks in the first storage region and not to defective (the defective regions in Estakhri's memory are not assigned physical address thereto) and nondefective blocks in a second region (second region includes the memory region corresponding to LBA2 n Figure 6). This feature taught by Estakhri provides efficiency by only translating addresses which are accessible, thereby relieving the system from performing unnecessary tasks. Hence, it would have been obvious to one of ordinary skill in the art to include Estakhri's teachings to the system taught by Fukuzumi and Kawaguchi for the desirable purpose of efficiency and improved performance.

Regarding claim 2, Fukuzumi discloses the first and second storage elements composed of nonvolatile memory (C 5, L 14-17).

Regarding claim 7, Fukuzumi discloses memory apparatus further comprising a read-only storage region storing address data of the second storage region (C 5, L 35-38).

Regarding claims 11 and 18, Fukuzumi discloses designating the second storage region of the memory apparatus upon receipt of instructions for writing data into the second storage region of the memory apparatus or reading the data from the second storage region, thereby writing the data into the second storage region or reading the data from the second storage region (C 11, entire; C 12, entire; C 13, entire; C 14, L 1-1-35).

Regarding claims 14 and 21, Fukuzumi discloses receiving instructions to read password data from the second storage region when the user makes instructions to write data into the memory apparatus or read data from the memory apparatus, thereby reading the password data from the second storage region, or writing data into the first storage region of the memory apparatus or reading data from the first storage region when the password data read from the second storage region coincides with the password data input by the user (occurs when an access to the common memory region is attempted; C 8, L 66-67; C 9, entire; C 10, entire).

Regarding claims 4-6, Fukuzumi, Kawaguchi and Estakhri disclose the limitations cited above, however, Fukuzumi and Kawaguchi do not disclose storing copyright data concerning the data stored in the first storage region, storing a use history of the memory apparatus in the second storage region nor storing quality history in the second storage region. The system taught by Fukuzumi, Kawaguchi and Gaskins discloses storing sensitive data (password data) in the second storage region wherein access to the region is limited for certain operations. Clearly, this feature would be desirable for any data of a sensitive nature to prevent contamination of the data. Therefore, it would have been obvious to one of ordinary skill in the art to use the teachings of Fukuzumi, Kawaguchi and Estakhri with data, such as copyright data, memory history usage and quality history, wherein the data would be stored in an access limited region of memory for the desirable purpose of security and accuracy of data.

Regarding claims 9-10, 12-13, 16-17 and 19-20, Fukuzumi, Kawaguchi and Estakhri disclose the data processing apparatus referring to a conversion table showing a physical address of the first

storage region of the memory apparatus and data to be written into the first storage region or logic address of the data written in the first storage region, thereby writing the data into the first storage region or reading the data from the first storage region, wherein the data to be written is managed in units of files and the data processing apparatus designates a logic address of data from the data to be written into the first storage region of the memory apparatus or from the file name of the data written in the first storage region and refers to the conversion table, thereby writing the data into the first storage region or reading the data from the first storage region. Fukuzumi and Kawaguchi do not disclose the details involved in reading or writing the nonvolatile memory. (Estakhri - Abstract; C 6, L 46-60; C 7, L 66-67; C 8, L 1-65).

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

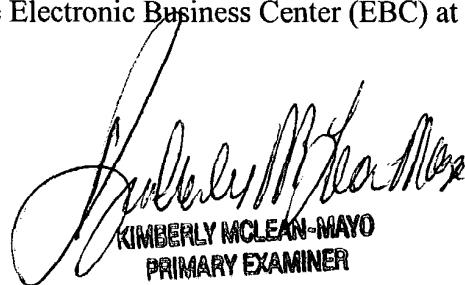
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly N. McLean-Mayo whose telephone number is 703-308-9592. The examiner can normally be reached on M (10:00 - 6:30); Tues, Thr (10:00 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 703-308-1756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KNM



KIMBERLY MCLEAN-MAYO
PRIMARY EXAMINER

Kimberly N. McLean-Mayo
Examiner
Art Unit 2187

September 17, 2004